In addition, Applicants respectfully submit that the subject matter of claims 39 and 40, drawn to pharmaceutical compositions comprising retroviral vector particles of claims 20 and 21, respectively, depend from claims in Group I and thus are sufficiently related to be properly presented in a single application.

REMARKS

In the requirement for restriction, Applicants were required to elect one of the following groups of invention:

I. Claims 1-21, 36-38, and 41, drawn to a method of preparing human serum-resistant retroviral particles, retroviral producer cells, human serum-resistant retroviral particles produced by the preparation methods, and a method for delivering a heterologous gene to a cell by using a retroviral producer cell containing the human serum-resistant retroviral particles.;

II. Claims 22-35, 39, and 40, drawn to a method of transducing a cell with human serum-resistant retroviral particles, and *in vivo* gene therapy processes using human serum-resistant retroviral particles in any subject;

Accordingly, Applicants provisionally elect, with traverse, to prosecute the subject matter of Group I, Claims 1-21, 36-38, and 41, and reserve the right to file a divisional application directed to the non-elected subject matter.

Claims 39 and 40 are directed to pharmaceutical compositions comprising the retroviral particles of claims 20 and 21, respectively, as well as pharmaceutically acceptable carriers. Thus, claims 39 and 40 depend from claims contained within provisionally elected Group I. In light of such dependence, Applicants respectfully submit that claims 39 and 40 are sufficiently related so as to properly mandate the presentation of the claims of 39 and 40 and the claims of Group I in a single application.

Furthermore, Examiner stated that the inventions of Group I and Group II are independent and distinct because Group I is generally directed to products, while Group II is directed to processes of using such products. Since claims 39 and 40, drawn to pharmaceutical compositions, are product claims, on this ground, these two claims should also be included in Group I.

This election is made with traverse because even though the compositions which form the subject matter of Group I may be considered by the Examiner to be patentably distinct from claims 22-35, directed to uses of those compositions, it is believed that the claims are sufficiently related to be properly presented in a single application. As an example, the methods of claims 22-35 of Group II are to be practiced with the retroviral particles of Group I.

Given the commonality of the subject matter here, examination of all the claims does not place a serious search burden upon the Examiner.

If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Respectfully submitted,

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